

*Draft*



CITY OF GAITHERSBURG  
MINUTES OF A REGULAR CITY COUNCIL MEETING  
MONDAY, FEBRUARY 5, 2007

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A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens, Marraffa, Schlichting (arrived 7:46 p.m.), and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Planning and Code Administration Director Ossont, Planner Patula, Human Services Director Carr, Cultural Arts Director Kayser, Police Corporal Lumsden, City Attorney Borten and Executive Assistant Stokes.

**I. PLEDGE OF ALLEGIANCE**

The Pledge was led by members of the Upper Montgomery Composite Squadron of the Civil Air Patrol.

**II. INVOCATION**

The invocation was led by Rick Price, First Church of Christ, Scientist, Gaithersburg, Maryland.

**III. APPROVAL OF MINUTES**

Motion was made by Council Member Edens, seconded by Council Member Sesma, that the minutes of the Mayor and Council meeting held January 16, 2007, be approved.

Vote: 4-0

**IV. APPOINTMENTS**

**Resolution of the City Council Confirming an Appointment and Reappointments by the Mayor**

This resolution confirms the following: **Beautification Committee**, Sue Anderson (reappointment), 9120 Edgewood Drive and Stella Campana (reappointment), 9104 Edgewood Drive, Gaithersburg, Maryland 20877, two-year terms; **Commission on Landlord/Tenant Affairs**, John Small (Tenant Commission Member- appointment), 42 West Deer Park Road, Gaithersburg, Maryland 20877, three-year term; **Education Committee**, Mike Fandy (reappointment), 10 Mills Road, Gaithersburg, Maryland 20877, two-year term; and the **Multicultural Affairs Committee**, Patricia Rogers, 4A Crestwood Drive, Gaithersburg, Maryland 20877, two-year term.

Motion was made by Council Member Alster, seconded by, Council Member Edens, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING AN APPOINTMENT AND REAPPOINTMENTS BY THE MAYOR TO THE BEAUTIFICATION COMMITTEE, COMMISSION ON LANDLORD/TENANT AFFAIRS, EDUCATION COMMITTEE, AND MULTICULTURAL AFFAIRS COMMITTEE (Resolution No. R-8-07), be approved.

Vote: 4-0

**V. PRESENTATIONS****1. Gaithersburg Celebrates African American History Month With a Tribute to Dr. Marsha Coleman Adebayo, "*The Woman Who Dared*," Sponsored by the Multicultural Affairs Committee**

Linda Plummer, Co-Chair of the Multicultural Affairs Committee spoke and introduced Dr. Marsha Coleman Adebayo. She stated that in celebration of African American History Month, the Multicultural Affairs Committee is sponsoring a tribute to "Dr. Marsha Coleman Adebayo - A Woman Who Dared," a woman who has fought and continues to fight racism and sexism in the federal government. She further stated that an exhibit will be displayed at the City's Activity Center at Bohrer Park throughout the month February.

Dr. Marsha Coleman Adebayo fought against a backdrop of severe racial discrimination in her US Federal Government workplace, when she blew the whistle on US corporate wrongdoing in South Africa. She was relentlessly persecuted, but nonetheless persevered, winning a landmark court case in 2000 for discrimination, and went on to spearhead the first civil rights legislation of the 21st Century: the Notification of Federal Employees Anti-Discrimination and Retaliation (NO FEAR) Act in 2002. While still employed at the EPA, founded the No FEAR Coalition and the No FEAR Institute (a 501 C3 non-profit organization). The No FEAR Institute is devoted to educating the American public about federal sector discrimination and the implementation of the No FEAR Act.

Julius West, representative from Chris Van Hollen's Office, read a statement issued into Congressional Record on February 5, 2007 by Senator Van Hollen. Mayor Katz presented a Certificate of Recognition to Dr. Marsha Coleman Adebayo.

**2. Civil Air Patrol Presentation**

The Civil Air Patrol (CAP) was established out of a need to defend our Country during World War II and is still today a volunteer civilian organization with over 59,000 members. The CAP is an official auxiliary of the United States Air Force. Through CAP's Cadet Program, young people develop leadership skills, investigate the fundamentals of aerospace science, acquire the habit of exercising regularly, solidify their character, and participate in exciting hands-on activities that prepare them to become responsible citizens. Cadets Smith and Dickerson under the leadership of Cadet Capt. Justin Holloway spoke on behalf of the CAP Cadet Program.

**3. Annual Report on Historic Preservation in the City of Gaithersburg**

Cathy Drzyzgula, Vice-Chair of the Historic Preservation Advisory Committee (HPAC) presented the annual report of the committee. She stated that the volunteer group reviews applications for changes to designated historic properties in the City and provide recommendations to the Historic District Commission. The report detailed and highlighted the main events and achievements of 2006. She stated that the committee reviewed 23 work permit applications and recommended approval for all both two. The Committee in coordination with City's Planning staff wrote and revised the historic preservation element of the City's Master Plan. Recommendations were also provided to assist with the preservation section of the annexation agreement of Crown Farm. She further stated that the committee contributed extensive review of documents of the historic Talbott House, which was recommended for denial. In 2006, neighborhood enhancements were made in the Greater Historic District area. The committee also worked with the City on plans for the Crown Farm buildings, development in Olde Towne, and the Observatory Park. The committee submitted a work plan for 2007.

**4. City Manager Report on the City's Strategic Planning Retreat Held January 19-20, 2007**

Mr. Humpton stated that the Strategic Planning Retreat provides an opportunity for the Mayor and City Council and senior staff to establish short and long term goals, identify improvement areas and begin to set the work session schedule for the coming year. The Strategic Plan is the City's

main organizational planning document used by City staff to develop proposed operating and capital budgets and to create work plans for City departments and staff. The Plan helps the public to understand the City's goals and how they will be addressed. The Mayor and City Council pre-retreat work session was held January 8, 2007 to receive citizen input prior to the retreat. He stated that 26 speakers offered suggests at the work session from topics ranging from public safety and transportation to the need for a new or enhanced amenities for the senior center. Mr. Humpton gave a broad overview of the issues addressed at the retreat. He stated that a considerable amount time was spent discussing the possibility of a new senior center, public safety issues in the community. Other discussions were on Olde Towne Master Plan and redevelopment efforts and street lighting in Olde Towne, pedestrian safety issues, environmental awareness and protection, overcrowding and illegal occupancy issues in homes, homeownership initiatives, Planning Commission concerns with the City Master Plan and the Adequate Public Facilities Ordinance, transportation (Watkins Mill Interchange and the Corridor Cities Transitway), potential use of the Kentlands Firehouse and a comprehensive review, economic development issues, website improvements, a comprehensive survey for the business community, request for updates on the inclusive communities initiatives, and a emergency preparedness plan.

Staff is currently incorporating the Mayor and Council's revisions to the document, as well as the public input. The City will continue to accept public comment on the Plan until the close of business on Monday, February 26, 2007. Mr. Humpton stated that a final Strategic Plan review and action by the Mayor and City Council is expected at their March 5, 2007 meeting.

#### **5. City Manager's Day Laborer Report**

On Friday, January 19, 2007, Mayor Katz and City staff met with County Executive Ike Leggett and members of his staff to discuss their efforts to establish an employment center. The City was asked to formally support the county-owned property on Crabbs Branch Way for an employment site for day laborers. He reported that the issue is scheduled to be heard by the Maryland National Capital Park and Planning Commission on Thursday, February 8, 2007. The City prepared a letter of support signed by Mayor Katz to be sent to Park and Planning Commission Chairman Hanson. The county believes that the employment center can be completed and a site put into operation, possibly within the next month.

Following discussions that occurred later in the Mayor and City Council meeting, City Attorney Borten was directed to amend the City's proposed anti-solicitation ordinance to state that legislation will go into effect upon the opening of the county's employment center. A vote on the amended ordinance is anticipated during the Tuesday, February 20, 2007 Mayor and City Council meeting.

#### **6. Discussion on Process, Timing and Funding for Review of Kentlands Commercial Special Study Area**

Planning and Code Administration Director Ossont gave a brief presentation on the various options. He outlined staff's recommended goals, and alternative options for proceeding with the Master Plan update. Option #1, stakeholder meeting where staff will develop a report that included various land use options or scenarios and present them at joint work session. Cost associated with Option #1 is relatively low and completed with a three month timeframe. Option #2, Ad Hoc Steering Committee of interested stakeholders to work with staff and develop land use options and proposed language for the Master Plan and present at a joint work session. The cost associated with this option is low, five month time frame. Option #3, Community Work Session, a series of sessions to conduct an in-depth analysis of the Special Study Area based on the Master Plan themes. Staff will development land use scenarios and present at a joint work session. The cost associated is low, with a five month time frame. This option will require a commitment from the Mayor and City Council, Planning Commission and staff for the community work sessions. Option #4, Public Planning Charrette, the City would retain a planning or design firm and a kick-off event will be held followed by a multi-day charrette. The firm and staff will then create a document with vision statement, proposed land uses and densities and present at a joint work session. Cost associated with this option would be \$150,000 - \$100,000 with a commitment

from private property owners, six month time frame. Option #5, Enhanced Charrette with Extensive Pre-Charrette Data Collection Process. This option is a two part process consisting of a series of outreach activities to development maximum stakeholder participation and a multi-day charrette that includes a kick-off event. The consultant and staff will develop a document and present at a joint work session. The cost associated with the option is estimated \$200,000 - \$250,000, nine month time frame depending on the availability of a consultant. Option #6, Outreach Activities to Determine Community Goals and Expectations, the City would hire a consultant to facilitate an extensive data collection process. The consultant and staff will then outline the City's vision, guiding principles, long and short goals for the Special Study area and present at a joint work session. Cost associated with this option would be estimated at \$50,000 - \$75,000, seven month time frame.

There are three major land holders in the special study area with a commitment of \$50,000 each, two in writing and one verbal. Other charrettes in the past for special study areas in the City cost approximately \$109,000 to \$137,000.

The Mayor and City Council thanked staff for developing the options. The City Council concurred that the City should move forward in the planning process and set a deadline for scheduling a charrette, hire a consultant to maximize stakeholder and citizen input, increase participation to get the best vision and direction for the area, and make the Corridor Cities Transitway a vital discussion. It was stated that the time frames are fairly accurate, but could be adjusted.

Motion was amended and made by Council Member Schlichting, seconded by, Council Member Edens, directing staff to proceed with Option #5 with a firm deadline to have a charrette for the Kentlands Commercial Special Study Area in September 2007.

Vote: 5-0

## **VI. PUBLIC APPEARANCES**

1. *Irwin Charles Cohen, 13 Hardwicke Place, Rockville, Maryland*, representative of the grass-roots initiative seeking to encourage County Executive Leggett to name the new library in Rockville the "Rockville Memorial Library", in memory of county residents who have served and lost their lives in Iraq and Afghanistan (Thomas Joseph Barbieri, II, Armer Nathan Burkart, Alessandro Carbonaro, Thomas Karl Doerflinger, Robert Hernandez, Justin Ray Davis, and Bruce Edward Price). He asked the City to support the proposal to name the library.
2. *Cathy Drzyzgula, 16 Walker Avenue*, asked for a deadline for solving the day laborer issues in the Historic District. She asked that the ordinance be in place when the proposed county center opens.
3. *Rosalind MacLennan, HOA liaison for the Courtyards at RIO, 9718 Athletic Way*, spoke on safety and accessibility. Asked that the Courtyards be involved in the negotiating process between the Crown Farm developer and the Avalon Bay Corporation for a sidewalk easement. She expressed concern with emergency vehicle access.
4. *Clark Day, 26 Walker Avenue*, expressed disappointment with no solution to the day laborer issue in his neighborhood. He stated that the City Council has ignored the recommendation of the City task force to have an anti-solicitation ordinance. He asked the City not to wait on the county, but take action.
5. *David Shayt, 15 DeSullum Avenue*, spoke on behalf of the Olde Towne Advisory Committee and the Clock Tower Funding Committee. He stated that the City and its Olde Towne residents have embraced the clock tower project in 1998 as part of the revitalization of the Olde Towne Commercial District. He asked the City Council express a clear declaration of the City's intention to see the clock tower to fruition. He stated that with the declaration from the City, fundraising can truly occur.

6. *John Scott, 415 Russell Avenue*, endorsed support for the City moving forward with the clock tower project.
7. *John Roddy, 105 Summit Avenue*, expressed appreciation and thanked City Manager Humpton for his efforts for City residents. He stated that the clock tower project is an appropriate focal point in the revitalization of the Olde Towne area.
8. *Ed Ridgely, 14 Walker Avenue*, attended the Olde Towne Charrette years ago and thought it was unproductive. Expressed concern that money can be better spent on something else other than the clock tower project. He stated that to revitalize Olde Towne, the bad behavior on the streets have to be dealt with. He asked that the anti-solicitation ordinance be adopted.
9. *Joseph Pizzonia, 9816 Islandside Drive, Montgomery Village, Maryland, member of the City's Senior Council*, asked for a copy of the report pertaining to the Upcounty Senior Center once it becomes public. He stated that Upcounty seniors have been patient with the delegates and county and City officials. He expressed support for funding for a new senior center in Gaithersburg.
10. *Blanche Keller, 911 Wild Forest*, thanked the Mayor and City Council for scheduling a site visit to the senior center in Bowie, Maryland. Expressed disappointment that the City's Strategic Plan does not show funding to be placed in the FY'08 Budget for a new senior. She stated that the current center is overcrowded and programs are not able to run efficiently.
11. *Jeannie Pizzonia, 9816 Islandside Drive, Montgomery Village, Maryland*, asked that funding be in the City's budget for a new senior center. She submitted pictures showing the overcrowding conditions at the Upcounty senior center. She stated that the current center is inadequate.
12. *Richard Arkin, 121 Selby Street*, echoed remarks regarding the needs of the seniors in the community. He referred to the report from the Historic Preservation Advisory Committee (HPAC) given earlier in the meeting and asked for an opportunity for HPAC to give input for the adaptive reuse of the Kentlands Firehouse. He expressed support for conducting a charrette for Market Square and the expansion of input from the public.
13. *(inaudible), 104 Sunnybrook Terrace, #414*, stated she is a mental health advocate and asked the City to plan and provide affordable and ADA housing in future development in the City. He asked that the City include sensitivity training for mental health in the City's process for hiring a new police chief.
14. *Gary Young, 609 Lake Varuna Drive*, expressed support for the proposed anti-solicitation ordinance. He also expressed support for the Olde Towne Clock Tower Project stating that it will be an added benefit to the community.
15. *Thomas Rowse 101 Dogwood Drive*, echoed the previous speaker to move forward in funding for the clock tower in Olde Towne. He stated that a quality design has been completed.
16. *Mike Stumborg, 15 Walker Avenue*, echoed disappointment expressed by his neighbors with the City not finding a resolution to the day laborer issues. He expressed support for adopting the anti-solicitation ordinance and have it go into effect contingent on the opening of a county center. He questioned the City's plan to make such a center work. He asked that the City set an April 1 deadline to submit paperwork to the County Liquor Commission for alcohol restrictions in Olde Towne.
17. *Charles Brown Maryland Avenue*, echoed that 2007 be a time for community reconciliation. Thanked members of the City Council that refused to second the motion for the anti-solicitation ordinance at the December 2006 meeting. He expressed opposition to the proposed anti-solicitation ordinance and forcing individuals to do things. He asked the Mayor and City Council to make Gaithersburg great for everyone.

18. *Alex Zepppos, partner at Growlers Brewery on Summit Avenue and lifetime resident of Gaithersburg*, stated he and his family moved because of the suffering living conditions in Gaithersburg. He expressed concern with the rise in crime and the safety of clientele wanting to frequent his establishment. He asked for more lighting in Olde Towne and the revitalization process move forward quicker.
19. *Prentiss Searles, 10 Walker Avenue*, expressed support for a new senior center and asked that the City Council move forward with the clock tower project. He stated that a short term solution is need for the day laborer issues and asked the City Council to pass the anti-solicitation ordinance.
20. *Steven Shrimen, Gaithersburg resident*, stated that Brighton East is a neighborhood in transition due to the failure of the City to enforce its zoning codes. He stated that there are violations with illegal boarding homes and parking and a rise in crime has contributed to the condition of the neighborhood.

**VII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS**

**Council Member Sesma**

Congratulated and thanked Dr. Adebayo for her courage to see that the NO FEAR ACT was passed and encouraged City residents to visit the exhibit displayed at the Activity Center.

**Council Member Marraffa**

1. Stated that he has been involved with the clock tower project since 1998. He mentioned that it was discussed at the Mayor and City Council Retreat. He asked that the Mayor and City Council show a strong commitment to the revitalization of Olde Towne and move forward with the clock tower. Made a motion to include funds in the FY'08 Capital Improvements Budget to fully fund the clock tower project and directed staff to immediately develop a RFP for the project, seconded by Sesma, no final vote taken.

Concerns were raised with funds in the FY'08 budget for the clock tower project without it going through a public hearing and the budget process. Assistant City Manager Tomasello stated that the revitalization for the Olde Towne Plaza is about half way funded. He stated that it is anticipated that there would be \$100,000 fundraising contribution. He stated that there is about \$500,000 currently in the budget and the remaining \$400,000 can be put in next year or over the next several years.

City Manager Humpton clarified that the motion was directing staff to include funds in the budget which then would go through the budget public hearing process. He further asked if the motion included the Olde Towne Plaza? Assistant City Manager Tomasello asked for clarification on the motion and questioned the effect of the clock tower project on the development at the Fishman Building. He questioned whether the RFP for the clock tower project, may conflict with the project of the Fishman Building. He asked that the RFP and the fundraising for the clock tower project be separated. He further stated that the clock tower project cannot be built without an expanded plaza. Several City Council Members concurred that the two projects are done simultaneously, but to move forward with the budget process and make a monetary commitment in the budget for the clock tower project.

Motion was amended and made by Council Member Marraffa, seconded by, Council Member Sesma, that the City Manager be directed to include funds for the clock tower project in the FY'08 Capital Improvements Budget, and continue with fundraising efforts.

Vote: 5-0

2. He asked for a motion to take final action on the City's anti-solicitation ordinance and have it go into effect as soon as the day laborer center opens. City Attorney Borten was directed to prepare an amended ordinance for the February 20, 2007 meeting to include language that the ordinance will go into effect the day the county day laborer center opens.

#### **Council Vice President Alster**

1. Referred to the alcohol sale restrictions and asked for an update from staff. Assistant City Manager Felton stated that an internal meeting was held last week to decide how to move forward. It was determined that adequate data would have to be compiled and go to the Board of License Commissioners and request restrictions on the alcohol license for several businesses. He stated that a decision was made to target Olde Towne and the first 200 blocks of North Frederick Avenue. He stated that data will go to the police and staff will meet with every business affected. He further stated that the City is going to need citizen support and staff is aware of the deadline to present the data and citizens will be given to the opportunity to submit written and give oral testimony
2. Reported that he and Mayor Katz attended the Montgomery County Coalition for the Homeless for a celebration of partnership in support of affordable housing.
3. Announced the City's Annual State of the City event will be held on Thursday, February 15, 2007, 6:30 to 9 p.m. at the Gaithersburg Hilton. Invited guest include those currently serving on City boards, commissions, committees, elected officials, and other City partners. Because space is limited, those from the general public who would like to attend will be put on a waiting list, and then notified of availability by February 8<sup>th</sup>.

#### **Council Member Edens**

Announced an upcoming City event: Champagne and Chocolate Tea, Sunday, February 11, 7 to 9 p.m. at the Kentlands Mansion. The evening will include champagne and sparkling cider, hors d'oeuvres, chocolate lover's buffet, live piano music, and a small artisan's market will add to the ambiance.

#### **Council Member Schlichting**

Announced vacancies on various City Committees, Commissions, and Boards.

#### **Mayor Katz**

1. Stated the City has had discussions with the county regarding possible funding for a new senior center because a substantial percentage of its members are not residents of the City. City Manager Humpton stated a budget request was made to the county under the Duncan administration. He reported that the county responded that a decision for funding will not be made until May 2007, for the operating cost only. Mayor Katz asked that staff have another discussion for capital project funding. Several City Council Members asked staff to have discussions with the county to find out their future plans and time frame for a new senior center. City Manager Humpton reported that a feasibility study was done and once completed, staff will forward it to the Mayor and City Council. He reminded the City Council that county has made a major commitment to the City for funding of the new aquatic center which will be taken into consideration.
2. Reported that he received an email from the former chair of the City's Compensation Committee regarding keeping the salary increases of the Mayor and City Council and Planning Commission ongoing. He stated that the committee reviewed the salaries two years ago and recommended increases. Mayor Katz directed staff to advertise for such a committee to review the salaries of other local jurisdictions and make a recommendation.

## 3. Announced the following meeting schedule:

- joint work session on Monday, February 12, 2007 to discuss Z-304 and SDP-06-004, property rezoning and redevelopment of land at the intersection of MD 355 and West Deer Park Road, currently known as Broadstone Apartments.
- regular meeting of the Mayor and City Council scheduled on Tuesday, February 20, 2007.
- instead of a televised work session on Monday, February 26, 2007, the City will host a Community Workshop at Lakelands Park Middle School, to give the public an opportunity to review initial concept plans for the new Gaithersburg Indoor Aquatic and Recreation Center at Edison Park Drive. Display boards will be available for viewing beginning at 6:30 p.m., followed by a presentation by the architect and City staff at 7:30 pm., with ample time for questions and answers.

## 4. Requested a motion for the following closed executive session:

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the City Council of the City of Gaithersburg conduct a closed executive session on Monday, February 5, 2007, immediately following the scheduled regular meeting of the Mayor and City Council, pursuant to Section 10-508(a)(7), State Government Article of the Annotated Code of Maryland, to consult with legal counsel to obtain legal advice. The topic to be discussed is the applicability of particular City ordinances to a development which is the subject of an annexation agreement

Vote: 5-0

**VIII. ORDINANCES, RESOLUTIONS, AND REGULATIONS****1. Resolution for the All Aboard the Art Train Public Art Project**

This resolution authorized the City Manager to purchase art from Cowpainters, LLC, 811 West Evergreen Street, #110, Chicago, Illinois 60622, in an amount not to exceed Thirty-Eight Thousand Six Hundred and Fifty Dollars (\$38,650); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by Council Member Sesma, that RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO PURCHASE FIBERGLASS SCULPTURES FOR THE ALL ABOARD THE ART TRAIN PUBLIC ART PROJECT (Resolution No. R-11-07), be approved.

Vote: 5-0



**2. Resolution Awarding a Matching Grant**

This resolution authorized the City Manager to award a matching grant to Washingtonian Towns Homeowners Association for landscaping, upon determining that the project was completed as proposed, in the total amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Marraffa, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AWARDING A MATCHING GRANT TO WASHINGTONIAN TOWNS HOMEOWNERS ASSOCIATION (Resolution No. R-12-07), be approved.

Vote: 5-0

**IX. POLICY DISCUSSION AND STAFF GUIDANCE****T-380 - An Ordinance to Amend Chapter 24 of the City Code Entitled "Zoning," Article III Entitled "Regulations Applicable to Particular Zones," Division 15 Entitled "I-3 Zone, Industrial and Office Park," to Eliminate Redundant and Conflicting Provisions and Renumber Accordingly**

The Planning Commission recommended adoption of T-380 at their January 17, 2007 meeting. Public buildings are subject to certain requirements under Section 24-143(2) including minimum lot or parcel sizes and setbacks for parking areas. It is those two standards that are proposed to be eliminated. The proposed text amendment would retain the other two standards for public buildings restricting "distribution" uses and parking or storage of trucks.

Motion was made by Council Member Schlichting, seconded by Council Member Edens, that the above Ordinance (Ordinance No. O-3-07), be adopted.

Vote: 5-0

**X. FROM THE ASSISTANT CITY MANAGERS, CITY ATTORNEY AND OTHER STAFF**

- **Staff Recommendation to Close the Mayor and City Council Record on Z-303(o), Proposal to Rezone 1.2099 Acres of Land, Currently Known as Lot P-87, the Duane Property, Located Off Game Preserve Road Between Arrowsmith Court and Travis Avenue in the City of Gaithersburg, From the Existing C-2 (General Commercial) Zone to the E-1 (Urban Employment) Zone, Under the Optional Method of Rezoning, in Accordance With §24-196 (map amendments) and §24-198 (optional method) of the City Code**

Since the joint public hearing September 18, 2006, staff has been working with the applicant and other agencies to resolve roadways issues with Old Game Preserve Road. Staff has also required the applicant to install a stormwater management ("SWM") system connection to enhance the existing SWM system to prevent excessive runoff freezing hazard. The applicant revised the proposed architecture to enhance the most visible elevations and minimize the "industrial" appearance of the building. The Planning Commission recommended approval with conditions. Staff suggested that the Mayor and City Council close their record on February 14, 2007 with anticipated policy discussion and final action during their meeting on February 20, 2007.

Motion was made by Council Member Edens, seconded by Council Member Alster, that the Mayor and City Council close their record on Wednesday, February 14, 2007, 5 p.m. on Z-303(o).

Vote: 5-0

- **Staff Guidance on Memorandum Dated February 1, 2007 for Residential “Parking By Permit Only” for a Portion of Brighton Drive**

Motion was made by Council Member Alster, seconded by Council Member Marraffa, that the parking sign requested by the residents, be approved and posted.

Vote: 5-0

## **XI. ADJOURNMENT**

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 10:13 p.m.

Respectfully submitted,

*Doris R. Stokes*

Doris R. Stokes  
Executive Assistant